

Atty. Dkt. No. 039153-5002 (G0166)

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 12, 16, 22 and 33 are currently being amended. No new matter is added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 12-19 and 22-34 remain pending in this application.

On pages 2-8 of the Office Action, the Examiner rejected claims 12-19, 22-25, 28-30 and 33-34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,703,680 (Toyoshima). The Examiner states:

Toyoshima discloses a fuse for an integrated circuit, the fuse comprising a material 11 capable of existing in a first phase (NiSi) or a second phase (NiSi₂) in response to at least one of a current signal and a voltage signal.

Applicant respectfully traverses the rejection.

On page 8-10 of the Office Action, the Examiner has concluded that Toyoshima remains prior art because the Examiner believes that the "declaration submitted under 37 CFR 131 lacks evidence to show conception of the invention prior to the effective date of the reference coupled with due diligence prior to the reference date to the filing date of the application (constructive reduction to practice)." Applicant respectfully traverses the Examiner's finding.

Applicant's attorney is currently researching the facts associated with due diligence in the present application. Applicant does not concede that due diligence has not been shown and reserve the right to show such diligence in future applications.

Atty. Dkt. No. 039153-5002 (G0166)

However, to advance prosecution, Applicant has amended independent claims 12, 16, and 23 to recite limitations related to sets of contacts coupled to the fused material. Claim 12 recites:

the material having a first end having a surface area and a second end having a second surface area and a narrow portion between the first end and the second end, wherein the first end and the second end are each coupled to set of contacts.

Claim 16 recites:

a first set of contacts;
a second set of contacts . . .

the silicide layer being coupled to the first set of contacts at a first end and a second set of contacts at the second end.

Claim 22 recites:

wherein the means for receiving current includes a first set of contacts disposed on a first end of the means for having and a second set of contacts disposed on a second end of the means for receiving.

Claim 33 recites:

a first set of contacts;
a second set of contacts;

The use of such contacts provides advantages. See present application, pages 7-8, paragraph 32.

In direct contrast to the limitations recited in independent claims 12, 16 and 22, Toyoshima shows a single contact on each end of the fuse. Multiple contacts are not shown, described, or suggested. Accordingly, withdrawal of the rejection of 35 U.S.C. § 102(e) is respectfully requested.

In addition, it is respectfully submitted that the differences in sheet resistance recited in dependent claims 26, 27 and 32 are not shown, described or suggested in Toyoshima. Indeed, the Examiner admits that Toyoshima does not provide the ranges of sheet resistance described in the

Atty. Dkt. No. 039153-5002 (G0166)

present application. Indeed, Toyoshima appears to only provide a system having a sheet resistance that changes from 20 micro ohms per centimeter to 60 micro ohms per centimeter. Higher ratios provide better performance as the difference in resistance can be more easily sensed. Accordingly, it appears that Toyoshima was not able to achieve the resistance changes achieved by the present application. Accordingly, it is respectfully submitted that dependent claims 26, 27 and 32 are patentable over the cited art.

* * * * *

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 2-10-06

By Joseph N. Ziebert

Joseph N. Ziebert
Attorney for Applicant
Registration No. 35,421

FOLEY & LARDNER LLP
Customer Number: 34083
Telephone: (414) 297-5768
Facsimile: (414) 297-4900

MILW_1837369.1